

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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JOHN THOMAS FALVEY,

Plaintiff,

v.

DEPUTY STEVENS, *et al.*,

Defendants.

Case No. 3:23-cv-00121-MMD-CLB

ORDER

Pro se Plaintiff John Thomas Falvey submitted a complaint for violation of his civil rights under 42 U.S.C. § 1983. (ECF No. 1-1.) Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Carla L. Baldwin, recommending that the Court dismiss this case without prejudice because Falvey has failed to pay the filing fee or file a complete application to proceed *in forma pauperis* (“IFP Application”) though Judge Baldwin previously ordered him to do so. (ECF No. 5.) Objections to the R&R were due May 26, 2023. (*See id.*) To date, Falvey has not objected to the R&R. Moreover, the Court gave him an additional opportunity to update his address and more time to file the documents Judge Baldwin previously ordered him to. (ECF No. 7.) He did not timely comply with that order, either. (*See id.*) For these reasons, and as explained below, the Court adopts the R&R in full and will dismiss this case without prejudice.

Because there was no objection, the Court need not conduct *de novo* review, and is satisfied that Judge Baldwin did not clearly err. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original). In the R&R, Judge Baldwin recommends dismissal without prejudice after explaining that Falvey was ordered more

1 than once to pay the filing fee or file a complete IFP Application, but failed to do so. (ECF
2 No. 5.) Like prior orders, the R&R was returned as undeliverable with the notation "Not in
3 custody," but Falvey has still not updated his address. (ECF Nos. 3, 4, 6.) And Falvey did
4 not comply with the Court's most recent order noting this issue and giving him an
5 additional chance to update his address. (ECF No. 7.) Dismissal without prejudice for
6 repeated noncompliance with Court orders and LR IA 3-1, which requires parties to keep
7 the Court apprised of their address, is thus appropriate.

8 It is therefore ordered that Judge Baldwin's Report and Recommendation (ECF
9 No. 5) is accepted and adopted in full.

10 It is further ordered that this case is dismissed, in its entirety, without prejudice.

11 The Clerk of Court is directed to enter judgment accordingly and close this case.

12 DATED THIS 9th Day of May 2023.

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16 MIRANDA M. DU
17 CHIEF UNITED STATES DISTRICT JUDGE
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